William Blizzard, Said To. Be Leader, Chosen as the First to Face Jucy: Faulty Indictment Plea Denied

Troops Guard Courtroom

Twenty-three Indicted in Mingo March Assert Their Innocence When Called

LESTOWN, W. Va., April the union coal miners in this state

parity is along from Silvenest woods, and the state designated Bliggard as its choice for the first trial. The defense also compelled the state to have prepared a bill of particulars as to the miners' uprising.

But if this was a victory, the defense lost in the other outstanding

Judge Woods, in a lengthy discussion of much interest on the subject of trescon and what constitutes that time, overruled the matter, holding that the first point raised by the decease, that the word "felonious" should have appeared in the indictment, was not well taken.

No Definite Conclusion
On the second point put forth by the defense in this connection, that the indictment was much too fidefinits in its declarations as to alleged treasonship "overt acts" specified and their relation to the defendants individually, a point based on the Chief Justice Marshall decision in the Aaron Burrease, the court came to no definite conclusion.

The judge held that although some of the purposes alleged in the indictment, while vague, might if coupled with others, have some hearing on whether the defendant were guilty of treason, that crime "is directed against the sovereignt of the state little" and should not be confounded with such crimes as riot and insurrection. "I am inclined," said Judge Woods, "to held at the present time the view that the purpose alleged in the indictionent must be taken as the true purposes which actuated them (the defendants) at that time to nullify the Governor's proclamation of military law in Mingo and Legan counties and lence the acts alleged in the indictionent in pursuance of that design and I, therefore, overrule the denurrer to the indictment and to each count thereof."

When the session opened members of the state littled the indictionent in pursuance of that design and I, therefore, overrule the denurrer to the indictment and to each count thereof."

When the session opened members of the state police force had been placed at strategic points in the room placed to be carrying two revolvers of the first state. Blizard however, in the first state:

Blizard however, in t therefore, overrule the demurrer to the indictment and to each count thereof."

In connection with the subject of emergencies, it was learned that, while all the state's witnesses have permits

"I would hesitate much longer to austain this demurrer with my present views upon it than to overrule it, because the question still may be raised, if necessary hereafter, on motion in arrest of judgment."

The attorneys for the defense found nearly as much satisfaction in reference to the court to a later possible motion in arrest of judgment as did the state in the overruling of the indictment, as this was interpreted as meaning that the court has by no means made up his mind on the subject of whether the "march on Logan and Mingo" constituted treason, and that he "has to be shown."

Wife Present at Trial

Wife Present at Trial Blizzard, who became the central figure in the miner cases with the announcement of his name as the first trial defendant, is twenty-eight years old and the president of Sub-district No. 2 of District No. 17 of the United Mine Workers of America. He was born and reared in Kanawha County, where he worked in the mines until a few years ago, when he became interested in the efforts to unionize

interested in the efforts to unionize the miners. He has been an official of the union for several years. He is married—his wife is here and is one of the most interested watchers in the court proceedings—and has two children.

That he has influential connections in the state is shown by the fact that his cousin, Gordon Blizzard, is a member of the Legislature. An uncle is Judge Reese Blizzard, a jurist who formerly was on the Circuit Court bench of this state for many years.

It is this youth that the state hopes to prove acted as the field marshal of the miners on their now ramous march. His case undoubtedly will have a most important bearing on the outcome of



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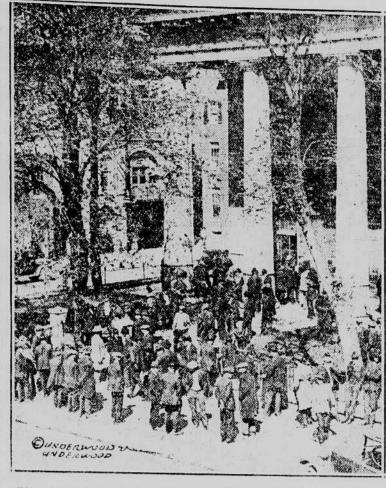
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Scene of the Mingo Miners' Trial



The Jefferson County Court House in Charlestonen, W. I a., and the crowd congregated in front, awaiting the calling of the treason charges against the union men who participated in the armed march against the unorganized Logan fields



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"If that were not so, every riot, every insurrection, every resistance to an officer, would constitute treason. One of the chief characteristics of treason is that it is an offense which has its inception in a conspiracy. So does a riot, and so does an insurrection. The design in a riot or insurrection, however, is not necessarily against the sovereignty."

If characteristics of treason is the state to assist them in the preservation of peace and order.

"It is unfortunate that there are so few actual adjudications of these questions in this county. A great deal of luw to the subject of treason consists of the opinions of the principle of the color in the performance of their duties in the performance of the state was in the reason consists of the opinion of textbook writers.

"Taking these indictments together, it would appear that the defendants were stubbornly continuing their oppositions to the military forces of the state long after, probably not in point of time but in point of events, they should have dispersed under any and all circumstances contemplated by the statute; that their purpose as expressly alleged in the indictment was to nullify the military law of the state and proclamation by the Governor of the state, I take it, not only by the written proclamation, but by his hav-



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William S. Blizzard

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